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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/659,331	(09/11/2003	Bogie Boscha		3771
51896	7590	12/06/2006		EXAMINER	
ILYA ZBO			HOEL, MATTHEW D		
6 SCHOOLHOUSE WAY DIX HILLS, NY 11746				ART UNIT	PAPER NUMBER
			•	3714	<u>-</u>
				DATE MAILED: 12/06/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Advisory Action	10/659,331	BOSCHA ET AL.					
Before the Filing of an Appeal Brief	Examiner	Art Unit					
	Matthew D. Hoel	3714					
The MAII ING DATE of this communication anne							
The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 1/3/10 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of							
this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:							
a) The period for reply expires 3 months from the mailing date							
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.							
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	06.07(f).						
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropriate extension fee inally set in the final Office action; or (2) as					
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).							
AMENDMENTS							
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for							
appeal; and/or							
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)).							
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).							
5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the							
 Newly proposed or amended claim(s) would be all non-allowable claim(s). 	lowable il submitted in a separate,	timely liled amendment canceling the					
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-38. Claim(s) withdrawn from consideration:		ll be entered and an explanation of					
AFFIDAVIT OR OTHER EVIDENCE							
8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).							
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessary.	vercome all rejections under appea	al and/or appellant fails to provide a					
10. The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attached.					
11. The request for reconsideration has been considered bu See Continuation Sheet.	t does NOT place the application in	n condition for allowance because:					
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).							
13. Other:							
·		NM. THÁI PATENT EXAMINER					

TC3700

Continuation of 11. does NOT place the application in condition for allowance because: The examiner agrees that the main reference (Tuer) does not explicitly have a serial number associated with the instrumented golf club, but it has a microprocessor and an RF transmitter (Fig. 1, Para. 15). Most if not all microprocessors inherently have serial numbers. The claims require a new search and a determination of obviousness if the examiner finds that the golf club does not inherently have a serial number. The Cameron reference is drawn towad customizing golf clubs based on the player's measured playing characteristics, so it seems obvious to the examiner to apply a serial number to the golf club of this reference to keep the golf clubs apart. All of the references are analogous art as they analyze a player's golf swing.